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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/457,841	12/09/1999	PATRICK H. TOMOSON	450-307US1	8133

24333 7590 01/06/2004

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EXAMINER	
DU, THUAN N	

ART UNIT	PAPER NUMBER
2116	9

DATE MAILED: 01/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/457,841	TOMOSON ET AL.	
	Examiner	Art Unit	
	Thuan N. Du	2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 October 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10,16,17 and 20-49* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10,16,17 and 20-49* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. Claims 42-49 have been added.

2. Claims 1-10, 16, 17 and 20-49 are presented for examination.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

4. Claims 1-10, 16, 17 and 20-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheston et al. [Cheston] (U.S. Patent No. 6,167,494) and Ohran (U.S. Patent No.6,085,298).

5. Regarding claims 1 and 16, Cheston teaches a method of providing a known-good configuration for a computer comprising the steps of:

storing a known-good computer configuration [col. 2, lines 48-49; col. 5, lines 2-3, 17-21]; and

restoring the known-good configuration [col. 2, lines 50-53; col. 5, lines 45-47, 53-57] via non-interactive user input [col. 3, lines 10-12; col. 5, lines 43-45].

Cheston does not explicitly teach storing only at least one of hardware configuration parameters and software configuration parameters.

Ohran teaches a method for backing up data comprising the step of backup only the data needed [col. 5, lines 30-33].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Cheston and Ohran because they both directed to method

for backing up data. Ohran's teaching of backup only the data needed would reduce the cost for Cheston's system by reducing the memory storage capacity for storing the smaller size of the backed-up version.

6. Regarding claims 2 and 17, Cheston teaches that the non-interactive user input is a key combination [col. 3, lines 10-12; col. 5, lines 43-44].

7. Regarding claims 3-6, Cheston teaches the whole system configuration is backed up [col. 5, lines 2-3]. One of ordinary skill in the art would have readily recognized that system configuration includes hardware configuration and software configuration. Therefore, obviously, Cheston backs up both hardware configuration and software configuration.

8. Regarding claim 7, Ohran teaches that storing the data by storing only those changes made to the data since a previous stored data [col. 5, lines 32-33].

9. Regarding claim 8, Cheston teaches that the known-good configuration is stored on hard disk drive [col. 4, line 66 to col. 5, line 3].

10. Regarding claim 9, Cheston teaches a method of restoring a known-good configuration on a computer, comprising actuating a non-interactive user input [col. 5, line 44] that causes software (restore program) [col. 5, line 59] executing on the computer to restore the known-good configuration [col. 5, lines 43-47].

Cheston does not explicitly teach storing only at least one of hardware configuration parameters and software configuration parameters.

Ohran teaches a method for backing up data comprising the step of backup only the data needed [col. 5, lines 30-33].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Cheston and Ohran because they both directed to method for backing up data. Ohran's teaching of backup only the data needed would reduce the cost for Cheston's system by reducing the memory storage capacity for storing the smaller size of the backed-up version.

11. Regarding claim 10, Cheston teaches that the non-interactive user input is a key combination [col. 3, lines 10-12; col. 5, lines 43-44].

12. Regarding claims 20, 21, 27 and 28, Cheston states "(T)he POST/BIOS code held in ROM provides the converse function, invoked via a special key combination . . ." (emphasis added by the examiner). Obviously, Cheston's system receives an indication that the special key combination has been actuated and restoring the known-good configuration thereafter.

13. Regarding claims 22-24 and 29-31, Cheston teaches that a user is "prompted" to store the known-good computer configuration through an indication of a successful bootup [col. 5, lines 17-21].

14. Regarding claims 25 and 32, Cheston teaches the non-interactive user input consists of actuating a single switch or key, or a simultaneous key combination of the computer [col. 3, lines 10-12; col. 5, line 44].

15. Regarding claims 26 and 33, Cheston uses a special key combination for triggering the restoration of the known-good computer configuration. Therefore, obviously, the use non-interactive user input of Cheston does not require user entry of information or interface with a graphical representation to function.

16. Regarding claim 34, Cheston teaches the non-interactive user input consists of actuating a single switch or key, or a simultaneous key combination of the computer [col. 3, lines 10-12; col. 5, line 44].

17. Regarding claim 35, Cheston teaches the restoring step is processed before operating system is fully loaded (during bootup) [col. 5, lines 43-45]. Therefore, obviously, Cheston restores the known-good configuration without rebooting the computer.

18. Regarding claim 36, Cheston teaches a method of providing an updated known-good configuration for a computer, comprising:

determining an updated configuration is a known-good configuration for the computer [col. 5, lines 19-21];

storing the determined known-good updated configuration to a know-good data storage device [col. 2, lines 48-49; col. 5, lines 2-3, 17-19];

receiving a non-interactive user input for restoration of the computer to the known-good configuration [col. 3, lines 10-14; col. 5, line 44]

restoring the known-good updated configuration upon reception of the non-interactive user input [col. 2, lines 50-53; col. 5, lines 43-47].

Cheston does not explicitly teach the known-good configuration is a combination configuration of software and hardware configurations. Cheston teaches the whole system configuration is backed up. One of ordinary skill in the art would have readily recognized that system configuration includes hardware configuration and software configuration. Therefore, obviously, Cheston backs up both hardware configuration and software configuration.

19. Regarding claim 37, Cheston teaches the restoring step is processed before operating system is fully loaded (during bootup) [col. 5, lines 43-45]. Therefore, obviously, Cheston restores the known-good configuration without rebooting the computer.

20. Regarding claim 38, Cheston teaches that a user is "prompted" to store the known-good computer configuration through an indication of a successful bootup [col. 5, lines 17-21].

21. Regarding claim 39, Cheston teaches that the non-interactive user input is a key combination [col. 3, lines 10-12; col. 5, lines 43-44].

22. Regarding claim 40, Cheston uses a special key combination for triggering the restoration of the known-good computer configuration. Therefore, obviously, the use non-interactive user input of Cheston does not require user entry of information or interface with a graphical representation to function.

23. Regarding claim 41, Cheston teaches that the known-good storage device is a hard drive [col. 4, line 66 to col. 5, line 3].

24. Regarding claim 42, Cheston determines the data is 'good' data [col. 5, lines 19-21]. One of ordinary skill in the art would have recognized that there are many ways to determine the data is 'good' data, including after a successful boot, a specific number of boot cycles, etc.

25. Regarding claim 43, Ohran teaches that storing the data by storing only those changes made to the data since a previous stored data [col. 5, lines 32-33].

26. Regarding claim 44, Cheston teaches the known good configuration is stored in a partitioned of the known-good data storage device [col. 2, lines 48-49, 60-61].

27. Regarding claims 45 and 48, Cheston backs up all of the data, including configuration data and non-configuration data. Therefore, obviously, the known-good configuration is stored contiguously with any non-configuration data.

28. Regarding claims 46-47, Cheston teaches the whole system configuration is backed up [col. 5, lines 2-3]. One of ordinary skill in the art would have readily recognized that system configuration includes hardware configuration and software configuration. Therefore, obviously, Cheston backs up both hardware configuration and software configuration including .sys file data, .ini file data, OS file data, Windows file data, device driver files, address space data, IRQ data, DMA data, DMI data, PNP configuration data.

29. Regarding claim 49, it is the matter of design choice to store the known-good configuration data on a partitioned or a non-partitioned storage device.

Conclusion

30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan N. Du whose telephone number is (703) 308-6292 or via e-mail, **thuan.du@uspto.gov**. The examiner can normally be reached on Monday-Friday: 9:00 AM - 5:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on (703) 305-9717.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202.

The fax number for the organization is (703) 872-9306.

Hand-delivered responses should be brought to:

Crystal Park II
2121 Crystal Drive
Arlington, VA 22202
Fourth Floor (Receptionist).

Thuan N. Du
December 31, 2003